

**The City of [redacted] than Employee Disciplinary Action Report Form**  
 Authority: Regulation III - DISCIPLINARY POLICY

MM

## SECTION III - EMPLOYEE INFORMATION

Employee Name <i>Ann Bayter</i>	SSN	Hire Date <i>01-31-00</i>	Department <i>Judicial</i>
Employee Job Title <i>Magistrate</i>		Counseling Supervisor Name & Job Title <i>Nancy Martin Court Administrator</i>	

## SECTION IV - OFFENSE AND TYPE OF ACTION

Check (✓) Category and Offense, Circle (O) Rule Number(s) violated

☒ MINOR CATEGORY Violation of Rule: Section 3-41. ☒ 1st Offense 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

☐ MAJOR CATEGORY Violation of Rule: Section 3-42. ☐ 1st Offense 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

☐ INTOLERABLE CATEGORY Violation of Rule: Section 3-43. ☐ 1st Offense 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Check (✓) Type of Disciplinary Action For This Offense

☒ FORMAL COUNSELING ☐ WRITTEN WARNING ☐ FINAL WRITTEN WARNING

## SECTION V - DETAILS OF THIS DISCIPLINARY ACTION REPORT

In the space below or on additional sheets provide detailed documentation of the rule(s) violated to include dates and the specific actions of the employee. Include details of recommendations for corrective action and consequence of future violations.

Section 3-41 (7): See attached memos.

Recommendations: Ann has been advised that she follow the policies & procedures of Magistrates Office to balance daily. She has also been advised that each payment taken is to be entered promptly & to the correct case. If an error occurs, Ann is to correct immediately.

Consequences of Future Violations: Ann has been advised on this date that a future violation will result in a written warning, step 2 in the progressive discipline system.

Supervisor Signature <i>Nancy C. Martin</i>	Date signed <i>3/25/04</i>	Department Head Signature <i>Ron Miller</i>	Date Signed <i>3.31.04</i>
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I acknowledge I was counseled or warned in reference to the rule violation(s) cited above. I understand my signature on this form acknowledges the counseling or warning took place for the reasons given. I understand my signature does not mean I agree or disagree with the statements documented on this form. I also understand I may provide a written explanation of the offense for which the counseling or warning report has been issued and attach this written statement to this form. I understand this Personnel Form #147 and any attachments will be forwarded to the Personnel Department and become a part of my permanent employment record.

EMPLOYEE SIGNATURE: *Ann Bayter* Date Signed: *03-23-04*

Distribution: ☒ ORIGINAL to Personnel Department☐ COPY to Employee☐ COPY to Department Head

Date: February 4th, 2004

To: Rose Evans-Gordon, Municipal Judge

From: Valerie Harris, Internal Analyst

Re: Magistrate deposits and posting of payments

On Monday and Tuesday, January 12<sup>th</sup> and 13<sup>th</sup> 2004 I was reviewing receipts and daily reports for the municipal court. The new court package allows magistrates to take payments on cash bonds and post the cash bond to the date he or she was bonded instead of the date it was entered into the system. It also allows incorrect years to be used such as 1993 and a future date in 2004.

Using this process revealed another receipt for \$300 that was taken on November 19, 2003 by Ann Baxter. This receipt was dated November 3<sup>rd</sup>, 2003. Ann Baxter had made the same type of error that had made and it did not show in the daily report for November 19<sup>th</sup>. Reviewing the daily report for Ann Baxter that she submitted on November 19<sup>th</sup>, it was determined that she did not deposit the money nor make any notation that she had additional funds.

A cash count of Ann Baxter's money was made on January 13<sup>th</sup> by the Finance Department personnel. Please see the attached report. It shows that Ann Baxter's cash showed an overage of \$499.60. Below is a further discussion of this money.

1. Included in the \$499.60 was a money order of \$112.50.
2. The money order was dated 11-16-03 for a Michael Wright.
3. Mr. Wright had a payby order for a Proof of Insurance charge for which he was found guilty on October 20<sup>th</sup> 2003.
4. He had to make all payments by November 17<sup>th</sup> according to his payby order.

5. Ann Baxter posted his full payment of \$212.50 to this case on November 14<sup>th</sup> which was 2 days before the date of the money order.
6. Other cases for which Mr. Wright had to pay fines and costs were done prior to the new computer package installation and were fully paid in August and October 2003.
7. Money that was not Mr. Wright's was posted to his case and thus money that should have been posted to someone's case was not receipted.

Ann Baxter brought to me information regarding two cases that she felt may have been some of the "extra" money that she had. After reviewing them it is believed that \$132.50 should be paid on case INTR03-0012247 ( Emory Atwell) and \$132.50 should be paid on case TR03-011824 (Brenda Lee Clemons) (See attached information). If these two cases are paid and the \$300 is also part of the "extra" money held by Ann Baxter, the total of those three transactions is \$565.00 which is greater than the amount of the overage found by the Finance Department.

#### SUMMARY

As you are well aware, the failure to post money to an individual's case can have serious consequences for the individual as well as for the city. Legal action can be brought against the city for damages due to a failure of the city to properly record payments.

This is not the first time that this issue has been addressed with Ann Baxter. Attached you will find reports that show that this has been a problem in the past. Magistrates are fully knowledgeable about money procedures and that all money is to be deposited other than the daily cash of \$100 to make change. This was discussed with her at length the last time that this occurred. New computer systems do not change cash procedures that are done daily by magistrates.

*Valerie Harris*

cc: Larry Muench, General Services Director  
(No backup sent) - only report

7. He had to make all payments by November 17 according to his payor order.